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This listing of claims will replace all prior versions, and listings, of claims in the applicatio 1:

LISTING OF CLAIMS:

Claim 1 (15²) (previously presented): A composition which generates infectious influenza viruses from cloned viral cDNA comprising a set of plasmids wherein each plasmid comprises one viral genomic segment, and wherein viral cDNA corresponding to the viral genomic segment is inserted between an RNA polymerase I (pol I) promoter and a regulatory element or the synthesis of vRNA or cRNA with an exact 3' end, which results in expression of vRNA or cRNA, which are in turn inserted between an RNA polymerase II (pol II) promoter and a polyadenylation signal, which results in expression of viral mRNA and a corresponding viral protein, wherein the expression of the full set of vRNAs or cRNAs and viral proteins results in assembly of an infectious influenza virus.

Claim 2 (44) (currently amended): The composition of claim 1 15, wherein the regulatory element for the synthesis of vRNA or cRNA with an exact 3' end is an RNA polymerase I (pol I) terminator sequence.

Claim 3 (45) (currently amended): The composition of claim 1 15, wherein the regulatory element for the synthesis of vRNA or cRNA with an exact 3' end is a ribozyme sequence.

Former claim number; claims were renumbered in the Examiner's Amendment which accompanied the Nexice of Allowability dated December 29, 2004.

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Claim 4 (16) (currently amended): The composition of claim 2 -44-, wherein the pol I promoter

is proximal to the polyadenylation signal and the pol I terminator sequence is proximal to the pol

II promoter.

Claim 5 (17) (currently amended): The composition of claim 2 -44-, wherein the pol I promoter

is proximal to the pol II promoter and the pol I terminator sequence is proximal to the

polyadenylation signal.

Claim 6 (19) (currently amended): The composition of claim 1 +5, wherein the influenza virus is

an influenza A virus.

Claim 7 (20) (currently amended): The composition of claim 1 15, wherein the influenza irus is

an influenza B virus.

Claim 8 (21) (currently amended): The composition of claim 6 49, wherein the viral genomic

segment (i) encodes a protein selected from the group consisting of a viral polymerase complex

protein, M protein and NS protein; and (ii) is derived from a strain well adapted to grow in cell

culture or from an attenuated strain, or both.

Claim 9 (22) (currently amended): The composition of claim 6 19, wherein the viral genomic

segment comprises hemagglutinin (HA) gene, or neuraminidase (NA) gene, or both; wherein

said genes are from a pathogenic influenza virus.

Claim 10 (23) (currently amended): The composition of claim 6 19 wherein said composition

comprises one or more plasmids having a map selected from the group consisting of pHW241-

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PB2, pHW242-PB1, pHW243-PA, pHW244-HA, pHW245-NP, pHW246-NA, pHW247-14, and pHW248-NS.

Claim 11 (24) (currently amended): The composition of claim 6 49, wherein said composition comprises one or more plasmids having a map selected from the group consisting of pHW181-PB2, pHW182-PB1, pHW183-PA, pHW184-HA, pHW185-NP, pHW186-NA, pHW187-14, and pHW188-NS.

Claim 12 (25) (currently amended): An isolated host cell comprising the composition of claim 1 15.

Claim 13 (26) (currently amended): An isolated host cell comprising the composition of claim 7 20.

Claim 14 (27) (currently amended): An isolated host cell comprising the composition of rlaim 6 19.

Claim 15 (28) (currently amended): An isolated host cell comprising the composition of claim 9 22.

Claim 16 (29) (currently amended): A method for producing an infectious influenza virus virion, which method comprises culturing the host cell of claim 12 25 under conditions that permit production of viral proteins and vRNA or cRNA, whereby an infectious influenza virus is produced.

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Claim 17 (32) (currently amended): A method for producing a pathogenic influenza virion, which method comprises culturing the host cell of claim 15 28 under conditions that permit production of viral proteins and vRNA or cRNA, whereby a pathogenic infectious intuenza virus is produced.

Claim 18 (39) (currently amended): A method for generating an attenuated influenza virus, which method comprises:

- mutating one or more viral genes in the composition of claim 1 45; and (a)
- determining whether infectious influenza viruses produced by the (b) composition upon introduction into a suitable isolated host cell are attenuated.

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